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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,931	01/03/2001	Jose Iruela	FR919990094US1	1727
25299	7590	11/04/2004	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,931

Applicant(s)

IRUELA ET AL.

Examiner

Anh-Vu H Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed on July 07, 2004. The proposed amendment to the claims has been entered. Claims 15-17 and 19-20 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in January 03, 2001 on 09/753931. It is noted, however, that applicant has not filed a certified copy of the EPO 00480022.3 application as required by 35 U.S.C. 119(b).

Claim Objections

3. Claim 20 is objected to because of the following informalities: in line 18, "said ATM network" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-17 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamoto (US Pub 2001/0002909 A1).

With respect to claims 15, 19, and 20, Iwamoto discloses in Fig. 1, an ATM switch includes an ATM switch core 60 which performs switching of ATM cells. The ATM switch core 60 has M input/output ports connected to respective ones of line port sections 61-1 to 61-M

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(first and second adapters), each of which has a pair of an incoming line and an outgoing line connected thereto. Iwamoto discloses in Fig. 19, a diagram schematically showing an outline of operation of receiving and sending an loopback cell implemented by the ATM switch (a system for transmitting a loopback cell within a switching node of an ATM connection, the switching node including a first adapter having associated ports and a second adapter having associated ports, wherein loopback cell enters switching node by a first adapter port). Iwamoto discloses on page 6, 81st – 87th paragraphs, that when an ATM cell received by the reception side physical layer terminating section 63, the header of the input ATM cell is analyzed. A new VPI/VCI and a switch output port number of the switch core 60 are added to the header of the input ATM cell. The ATM cell with the connection information added is discriminated by the OAM discrimination section 80 of the OAM function section 65 (Fig. 1) (processing means within switching node for detecting a loopback condition when an ATM cell enters first adapter). If the cell is judged to be an LB (loopback) cell to be returned, then, as shown in Fig. 7, the LB indication in the function specific field as shown in Fig. 22 is set to “00000000” which indicates the return of loopback (wherein the routing table being appended to loopback cell only if a loop control bit is set by a control point of the switching node within the first adapter). The new VPI/VCI is dropped (the ATM header VP/VC of loopback cell is not swapped by the protocol engine of first adapter before loopback cell is transmitted over the ATM connection by the first adapter port), and an ATM cell of the format as shown in Fig. 10C having a switch output port number rewritten so as to become its own port number is generated (a routing header function for appending a routing label to ATM cell indicating that ATM cell is a loopback cell to be looped back on ATM connection) and the loopback cell is switched to the same input line port section as

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shown in Fig. 19 (a switching engine for transferring loopback cell to first adapter port utilizing appended routing label).

With respect to claim 16, Iwamoto discloses on page 6, 87th paragraph, that if the cell is judged to be an LB (loopback) cell to be returned, then, as shown in Fig. 7, the LB indication in the function specific field as shown in Fig. 22 is set to "00000000" which indicates the return of loopback (processing means for setting loop control bit within first adapter).

With respect to claim 17, Iwamoto discloses on page 6, 87th paragraph, that if the cell is judged to be an LB (loopback) cell to be returned, then, as shown in Fig. 7, the LB indication (processing means for adding a loopback flag to loopback cell if loop control bit is set, wherein loopback flag serves as an indicator for a protocol engine within first adapter that routing labels have to be appended to the loopback cell) in the function specific field as shown in Fig. 22 is set to "00000000" which indicates the return of loopback.

Response to Arguments

5. Applicant's arguments with respect to claims 15-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Hayama et al (US Patent No. 6,661,800 B1) discloses communication network system and loopback control method.


Takahashi (US Patent No. 6,023,455) discloses loopback cell control system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 11/11/09